IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

TUESDAY, THE 10TH APRIL 2007 / 20TH CHAITHRA 1929

WP(C).No. 10279 of 2007(W)

PETITIONER:

C.K.RADHAKRISHNA PANICKER,
26/625, KOLLAM WEST VILLAGE, KOLLAM TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.S.SREEKUMAR
SRI.RAJESH VIJAYAN

RESPONDENTS:

---

1. THE DISTRICT COLLECTOR, KOLLAM.

2. V.RAMACHANDRA REDDIAR, TEXTILE BUSINESS,
MANIN ROAD, KOLLAM WEST VILLAGE, KOLLAM DISTRICT.

3. THE SENIOR MANAGER, UNION BANK OF
INDIA, BEACH ROAD, KOLLAM.

4. M.SHAHID AHMED, CHANDRALAYAM,
NELLIMUKKU, KOLLAM-12.

5. RAJAMMAL, CHANDRALAYAM, NELLIMUKKU,
KOLLAM-12.

6. DR.MUMTAZ YUSUT, CHANDRALAYAM,
NELLIMUKKU, KOLLAM-12.

BY ADV. SRI.A.S.P.KURUP, SC, UBI
SRI.B.KRISHNA MANI
GOVERNMENT PLEADER SRI. I.V.PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.10279 OF 2007

DATED THIS THE 10th DAY OF APRIL, 2007

JUDGMENT

The petitioner, who is a tenant of a building which is the security interest mortgaged to the Union Bank of India in 1999, challenges proceedings initiated by the Bank under the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002.

2. The Bank has filed a detailed counter affidavit also and the learned counsel for the Bank vehemently opposes the writ petition on the basis of that counter affidavit.

3. This Court has in two Division Bench decisions, the latest of which is **Business India Builders and Evelopers Ltd. Vs. The Union Bank of India & Ors. (2007(1) KLJ 518)** held that the provisions of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 has got overriding effect over the Kerala Buildings (Lease and Rent Control) Act and therefore a tenant cannot challenge the proceedings under the Act on the ground that he is entitled to protection under the Kerala Buildings

(Lease and Rent Control) Act which is exactly the contention of the petitioner in this writ petition. Therefore following the said Division Bench decision, this writ petition is dismissed.

S. SIRI JAGAN, JUDGE

Acd